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THE TESTAMENTARY EXECUTOR IN ENGLAND AND ELSEWHERE. By R. J. R. Goffin. London: C. J. Clay & Sons. 1901. pp. xii, 136. 8vo.

This essay, which won the Yorke prize in 1899, is a very interesting contribution to the historical study of law. The author shows that testamentary executorship did not exist in Roman law, but was an outgrowth of Germanic institutions, in which it first appeared. Its introduction into England, caused largely, it is probable, through the influence of the church, must have taken place some time after the Norman Conquest, as the word executor first occurs in the work of Glanville. In this, as in other cases, early judicial centralization enabled England to develop the institution to maturity, while, on the Continent, its growth was both retarded and stunted by the existence of numerous crude systems of local law which resulted from the triumph of feudalism as a political system. The work does not trace the history of the executor in England beyond the earlier part of the seventeenth century, when he had finally secured the position of personal representative of the deceased. Though the author, owing to the state of the materials, is often unable to show historical continuity in detail, yet his argument for its existence is convincing, and he is able to make the institutions of different countries and periods throw light upon one another.

THE LAW OF SALES. By Francis M. Burdick, Professor of Law in Columbia University. Second Edition. Boston: Little, Brown & Co. 1901. pp. xli, 299. 8vo.

CASES ON THE LAW OF SALES. By Francis M. Burdick. Second Edition. Boston: Little, Brown & Co. 1901. pp. xiii, 792. 8vo.

The principal change in these two books since the first edition is in point of size; the case-book is longer by more than one hundred pages, while the text-book, in octavo instead of duodecimo form, has also an increase of a score of pages. The main body of the former remains unchanged, the additions to it being in the form of a supplement which contains more than forty new cases, for the most part decisions rendered since the first edition appeared; the appendix also contains additional extracts from state statutes and foreign codes. The text-book shows signs of a careful revision; not only has the author brought his work up to date by noting and discussing recent decisions, but frequently the language has been improved, and sections rewritten, to render obscure points more clear. The author cites about two thousand cases, carefully selecting those especially valuable for the student, for whom this treatise is primarily designed.

The arrangement of the two books is identical and remains the same as in the first edition. The text-book makes no pretence at being exhaustive and omits some points usually considered in connection with the subject; but it deals clearly and comprehensively with such essential points of the law as present difficulties to the student. The perplexing matter of conditions and warranties occupies almost a quarter of the book, and while the discussion does not result in absolute clearness, it is on the whole as satisfactory as can be expected in such a hopelessly confused branch of the law. In order to effect a saving of space, the provisions of the Statute of Frauds have not been separately treated, but have been considered incidentally throughout the work. The result is to render

the beginner's path somewhat more confused, but the care and clearness with which the distinctions between the requirements of the statute and of the common law are noted reduces that confusion to a minimum. The text-book, which is practically a volume of notes on the cases, is of course especially valuable to one studying the case-book, and will therefore prove helpful to students reviewing the subject, and to those studying law without the aid of an instructor. More such treatises to accompany case-books would fulfil a distinct want.

LAW OF REAL PROPERTY. By Charles T. Boone. Second Edition. San Francisco: Bancroft-Whitney Co. 1901. 3 vols. pp. xxvii, 612; 632; xiii, 652. 16mo.

This short work in three volumes is an attempt to correlate under appropriate headings the diverse decisions in the law of real property. It cannot well be defined as a digest, nor yet as a treatise. The writer does not attempt to draw any conclusions nor to state any underlying principles. He simply puts forward in a clear and convenient form what the American law is as he understands it. For instance, where decisions on any given point are inconsistent, the writer makes no attempt to say which is the more correct, he simply refers to the decisions, and lets the reader draw his own inferences. For this reason the work is not to be regarded as a text-book containing valuable discussions of much mooted points. The learned in the law of real property would, perhaps, seldom have occasion to refer to it. As a hasty reference manual, however, to important decisions, this little work should be of great service to the modern practising lawyer. It will act as a convenient guide to the authorities, where a text-book would give too personal a view of the law, and where an encyclopedia would prove cumbersome. The value of the book rests largely in its clearness and conciseness. There can be no mistaking what the author means. He is seldom ambiguous, and his exposition of his own interpretation of the questions decided, cleared as it is of obsolete forms or doctrines, is certainly a relief to the seeker of authorities. The work is distinctly modern, both in treatment and in the cases cited, and may be recommended.

FALSTAFF AND EQUITY: AN INTERPRETATION. By Charles E. Phelps. Boston and New York: Houghton, Mifflin & Co. 1901. pp. xvi, 201. 12mo.

There is certainly an art in letting the mind dwell upon a phrase, until it dreams the hidden meaning, especially where the phrase is blind, and the reading public are busy. The above work, by Judge Phelps, is an explanation of Falstaff's remark, "An the Prince and Poins be not two arrant cowards there's no equity stirring." According to the learned author the pregnant phrase, "There's no equity stirring," is "surcharged with a quadruplex meaning," there being one significance "for posterity and for all time," two for the immediate audience, and still another for Shakespeare's family and friends. In order to show this the learned commentator cites cases illustrating the struggle between the law and equity, so stirring it would seem at the time Shakespeare wrote. As the